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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ESTELLA M. GUILLEN, et al.,

Plaintiffs,

v.

AMERICAN HOME MORTGAGE
SERVICING, INC., et al.,

Defendants.

2:11-CV-1068 JCM (CWH)

ORDER

Presently before the court is plaintiffs Guillen, et. al.'s *pro se* motion to remand. (Doc. #21). Defendants American Home Mortgage Servicing, Inc. filed an opposition. (Doc. #22). Plaintiffs did not reply.

Plaintiffs filed their case in state court in May 2011. (Doc. #1, Ex. 1). Defendants removed the case to federal court on June 29, 2011. (Doc. #1). One month later, defendants filed a motion to dismiss. (Doc. #8). After the motion to dismiss was fully briefed by the parties (docs. #8, #13, and #18), plaintiffs filed a motion to remand (doc. #21). The motion to remand was filed almost three months after the case had originally been removed by the defendants.

The instant motion argues that the case should be remanded to state court due to (1) *Burford* abstention, (2) *Younger* abstention, and (3) Nevada's more liberal pleading standards. (Doc. #21). Plaintiffs never challenge this court's diversity jurisdiction over the suit.

Pursuant to 28 U.S.C. § 1447(c), "[a] motion to remand the case on the basis of any defect

1 other than lack of subject matter jurisdiction must be made within 30 days after the filing of the
2 notice of removal under section 1446(a).”

3 Plaintiffs filed the instant motion almost 90 days after the case was removed to this court.
4 At this point in the litigation, plaintiffs’ motion to remand can only be based on lack of subject
5 matter jurisdiction. *See* 28 U.S.C. § 1447(c). As stated above, plaintiffs have never challenged the
6 court’s diversity jurisdiction. Therefore, plaintiffs’ motion to remand is time barred.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs Guillen, et. al.’s
9 motion to remand (doc. #21) be, and the same hereby is, DENIED.

10 DATED October 20, 2011.

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UNITED STATES DISTRICT JUDGE
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